

S.B. 62, Relating to appropriations for the biennium ending August 31, 1991.
(As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Sims in Chair)

BILL SIGNED

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 35 (Signed subject to Art. III,
Sec. 49a of the Constitution)

(President in Chair)

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 11

MEMORIAL RESOLUTION

H.C.R. 29 - (Brooks): In memory of State Trooper Glen Edwin Perkins.

CONGRATULATORY RESOLUTIONS

H.C.R. 4 - (Lyon): Inviting the people of Bavaria to join Texas in a relationship of friendship and commerce.

H.C.R. 26 - (Tejeda): Declaring June 1-10 as Good Neighbor Theft Prevention Week.

S.C.R. 16 - By Brooks, Caperton: Declaring Danevang the Danish Capital of Texas.

S.R. 108 - By Tejeda: Commending Val Martinez for his deep and abiding commitment to the United States.

S.R. 109 - By Krier: Extending best wishes to all those attending the TIPRO convention for a most enjoyable and informative three days.

ADJOURNMENT

The President at 5:12 p.m. announced that the Senate would, in accordance to a previously adopted motion, stand adjourned until 11:00 a.m. tomorrow.

EIGHTH DAY

(Wednesday, May 30, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis,

Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Lyon, Santiesteban, Sims.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father and great physician, during this time of remembering those who have served our nation, we are reminded there is a power beyond our power and there is a wisdom greater than ours. As we pray this morning, let us remember our young friend Verna who continues to be hospitalized and also the family of Senate messenger Mindy who was fatally injured in the same accident. We ask that you sustain and give hope and comfort to these families during this time of anxiety and grief. This is our prayer and our petition in the name of our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senators Lyon, Santiesteban and Sims were granted leave of absence for today on account of important business on motion of Senator Brooks.

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

S.C.R. 5

H.B. 24

H.C.R. 4

H.C.R. 26

H.C.R. 29

SENATE RESOLUTION 120 (Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on May 30, 1990, and attended by 21 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of

the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 5th Called Session of the 71st Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 5th Called Session of the 71st Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 71st Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 71st Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the

individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 71st Legislature, 5th Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$16,500 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime within 18 months of the month in which the time was accrued. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 71st Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any Members not returning for the 72nd Legislature will vacate their Senate offices by December 15, 1990; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Chet Brooks

Chairman of the Caucus

/s/O. H. Harris

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM
SEVENTY-FIRST LEGISLATURE, FIFTH CALLED SESSION**

The President announced that the time had arrived for the election of the President Pro Tempore Ad Interim, 71st Legislature, 5th Called Session.

On motion of Senator Brooks, Senator Bob McFarland of Arlington was elected by acclamation to serve and was administered the Oath of Office by the President.

REPORT OF STANDING COMMITTEE

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the PUBLIC UTILITY COMMISSION: Paul D. Meek, Dallas County.

To be a Member of the VETERANS LAND BOARD: Jonathan Rogers, El Paso County.

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: Mrs. Lisa Swanson Echols, Stephens County; Charles K. "Buddy" Glasse, Galveston County; Robert W. Jenkins, Sr., Burnet County; Rayford G. Kay, Harris County; David Melass, Brazoria County.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas

May 29, 1990

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
FIFTH CALLED SESSION:

On December 18, 1989, I nominated Mr. Othal E. Brand, Sr., of McAllen for appointment to the Agricultural Resources Protection Authority for a term to expire February 1, 1991. I request that the Senate return this appointment to me.

Respectfully submitted,

/s/W. P. Clements, Jr.

William P. Clements, Jr.

Governor of Texas

NOMINATION RETURNED

On motion of Senator Edwards and by unanimous consent, the Senate granted the request of the Governor to return to him the nomination of Othal E. Brand, Sr., to be a Member of the Agricultural Resources Protection Authority.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Edwards and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

Senator Edwards moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever.

Senator Parmer requested that the nomination of Paul D. Meek, to be a Member of the Public Utility Commission, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported today by the Committee on Nominations, were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Green.

Absent-excused: Lyon, Santiesteban, Sims.

Member, Veterans Land Board: JONATHAN ROGERS, El Paso County.

Members, Texas Structural Pest Control Board: MRS. LISA SWANSON ECHOLS, Stephens County; CHARLES K. "BUDDY" GLASSE, Galveston County; ROBERT W. JENKINS, SR., Burnet County; RAYFORD G. KAY, Harris County; DAVID MELASS, Brazoria County.

NOMINEE CONFIRMED

Question recurring on the confirmation of Paul D. Meek to be a Member of the Public Utility Commission, Mr. Meek was confirmed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Green, Parmer, Truan.

Absent-excused: Lyon, Santiesteban, Sims.

MOTION IN WRITING

Senator Brooks offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

BROOKS

The Motion in Writing was read and was adopted viva voce vote.

Accordingly, the President announced the appointment of the following Committee to Notify the Governor: Senators Bivins, Henderson, Krier, McFarland and Ratliff.

MOTION TO ADJOURN SINE DIE

On motion of Senator Brooks, the Senate at 12:05 p.m. agreed to adjourn sine die upon completion of administrative duties.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 18

H.C.R. 19

H.C.R. 30

MEMORIAL RESOLUTION

S.R. 123 - By Lyon: In memory of Dr. David H. Johnson.

CONGRATULATORY RESOLUTIONS

H.C.R. 18 - (Ellis): Extending congratulations to Mr. and Mrs. James Sawyer, Jr., on the birth of James Edward Sawyer III and Amina Inez Sawyer.

H.C.R. 19 - (Caperton): Extending congratulations to Larry and Cheryl Boyd on the birth of Rachel Lauren Boyd.

H.C.R. 30 - (Truan): Inviting President Carlos Salinas de Gortari of Mexico to address a joint session of the Senate and House of Representatives.

S.R. 111 - By Krier: Endorsing the very worthwhile goals of SOCAN and commending the group for their meritorious efforts on behalf of the children's advocacy center.

S.R. 112 - By Ratliff: Commending Jeff Rash for the outstanding leadership he has provided to the Texas Future Farmers of America organization in 1989 and will continue to provide in 1990.

S.R. 113 - By Tejeda: Paying tribute to the selfless career of Mrs. Margaret Johnson Robinson and commending her on a job well done.

S.R. 114 - By Zaffirini: Declaring Laredo students in the United Independent School District Apollo Program for gifted and talented students as roving Ambassadors of Goodwill from the Lone Star State.

S.R. 115 - By Brooks, Caperton: Declaring Danevang the Danish Capital of Texas with all attendant rights and privileges.

S.R. 116 - By Barrientos: Extending best wishes to Andy Liebler as he embarks on a new chapter in his life and commending him for a job well done.

S.R. 117 - By Montford: Commending Gunther Gebel-Williams on his illustrious career as the legendary star of Ringling Brothers and Barnum & Bailey Circus and for his unique contributions to the harmonious relationship between humans and wild animals.

S.R. 118 - By Ratliff: Extending congratulations to Felix "Hoot" Gibson on his recent election to the Texas Silver Haired Legislature and extending best wishes to him for a successful and productive session.

S.R. 119 - By Armbrister: Extending best wishes to the Ondrusek family for a most successful and enjoyable reunion.

S.R. 121 - By Whitmire: Extending congratulations to Mr. and Mrs. Augustin R. Vacza on their 50th wedding anniversary.

S.R. 122 - By Krier: Extending best wishes to the Reverend John D. Worrell for a rich and rewarding retirement filled with future challenges.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the 5th Called Session of the 71st Legislature had arrived.

Senator Brooks at 12:23 p.m. moved that the Senate stand adjourned sine die in accordance with a motion previously adopted.

The President declared the 5th Called Session of the 71st Legislature adjourned sine die.

APPENDIX

Filed with Secretary of State
(May 22, 1990)

H.C.R. 20

(May 30, 1990)

H.C.R. 30

Signed by Governor
(May 29, 1990)

H.C.R. 10

Filed Without Signature of Governor
(May 29, 1990)

S.B. 40 (Effective date contingent on passage
of **S.B. 1** which was vetoed)

Sent to Comptroller
(May 30, 1990)

S.B. 35

Sent to Governor
(May 31, 1990)

S.C.R. 5

S.C.R. 11

S.C.R. 12

S.C.R. 14

(June 1, 1990)

S.B. 35

Signed by Governor
(June 1, 1990)

H.C.R. 27

(June 4, 1990)

H.C.R. 2
H.C.R. 4
H.C.R. 5
H.C.R. 6
H.C.R. 9
H.C.R. 11
H.C.R. 14
H.C.R. 15
H.C.R. 16
H.C.R. 17
H.C.R. 18
H.C.R. 19
H.C.R. 21
H.C.R. 22
H.C.R. 23
H.C.R. 24
H.C.R. 25
H.C.R. 26
H.C.R. 29
S.C.R. 6
S.C.R. 7
S.C.R. 8

(June 13, 1990)

S.C.R. 11
S.C.R. 12
S.C.R. 14

(June 14, 1990)

H.C.R. 8

S.B. 35 (Effective immediately)

Signed by Governor

(June 18, 1990)

S.C.R. 5

(June 19, 1990)

H.B. 24 (Effective immediately)

Vetoed by Governor

(June 19, 1990)

H.B. 129

